

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

United States of America,

Case No. 3:23-cr-575

Plaintiff,

v.

ORDER

Avi Jitendrakumar Patel,

Defendant.

Defendant Avi Jitendrakumar Patel, proceeding *pro se*, has filed a motion for the return of two Apple iPhones seized by the government during its investigation of this multi-defendant money laundry conspiracy case. (Doc. No. 275). Federal Rule of Criminal Procedure 41 permits “[a] person aggrieved . . . by the deprivation of property [to] move for the property’s return.” Fed. R. Crim. P. 41(g). Defendant’s cell phones were used as evidence during the trial of two co-Defendants in this case, Pranay Kumar Mamidi and Kishan Vinayak Patel. Mamidi and Patel were convicted by a jury and are awaiting sentencing. As yet, it is unknown if Mamidi and Patel will appeal their convictions or sentences.

Thus, the government maintains “a continuing interest” in Defendant’s cell phones while proceedings involving Mamidi and Patel remain ongoing. *United States v. Marcum*, No. 20-5280, 2021 WL 1038272, at *2 (6th Cir. Jan. 20, 2021) (quoting *United States v. Francis*, 646 F.2d 251, 263 (6th Cir. 1981)). In these circumstances, the government is entitled to retain possession of Defendant’s property, and Defendant’s motion for its return is premature.

For these reasons, I deny Defendant's motion for the return of his property. (Doc. No. 275).

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge